

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BRYAN VELAZQUEZ, on behalf of himself and
all others similarly situated,

Plaintiffs,

-against-

22 **CIVIL** 7967 (CM)

JUDGMENT

NEXTPHASE, INC.,
D/B/A ONE SMALL CHILD,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Decision and Order dated June 16, 2023, Defendant's motion to dismiss is GRANTED. Because he fails to satisfy the third Kriesler factor, Plaintiff has not alleged facts sufficient to establish Article III standing for his ADA claim. Those claims are therefore dismissed, but without prejudice. Having dismissed the federal claim, the Court declines to exercise supplemental jurisdiction over Plaintiffs' NYCHRL claim. See 28 U.S.C. § 1367(c)(1); *Marcus v. AT&T Corp.*, 138 F.3d 46, 57 (2d Cir. 1998); *Harty v. Koutsourades*, No. 20-CV-2779 (PMH), 2021 WL 1299495, at *7 (S.D.N.Y. Apr. 7, 2021). It, too, is dismissed without prejudice; accordingly, the case is closed.

Dated: New York, New York

June 16, 2023

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk